

December 12, 2007

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

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REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL

SUBJECT: Department of Transportation file no. **V-2574**
Proposed Ordinance no. **2007-0583**
Parcel no. **405880-2290**

AARON E. COLLIER & DORIAN C. KENSOK
Road Vacation Petition

Location: Portion of Lake Ridge Drive South

Petitioners: **Aaron E. Collier & Dorian C. Kensok**
10901 Lakeridge Drive South
Seattle, Washington 98178-2642
Telephone: (206) 321-9303

King County: Department of Transportation (DOT), Road Services Division
represented by **Nicole Keller**
201 S. Jackson Street
Seattle, Washington 98104-3856
Telephone: (206) 296-3731
Facsimile: (206) 296-0567

SUMMARY OF RECOMMENDATIONS:

Department's Preliminary:	Approve road vacation
Department's Final:	Approve road vacation
Examiner's:	Approve road vacation

DEPARTMENT'S REPORT:

The Department of Transportation's written report to the King County Hearing Examiner for Item No. V-2574 was received by the Examiner on November 16, 2007.

PUBLIC HEARING:

After reviewing the Department's Report and examining available information on file with the petition, the Examiner conducted a public hearing on the subject as follows:

The hearing on Item No. V-2574 was opened by the Examiner on December 5, 2007, in the Hearing Examiner's Conference Room, 400 Yesler Way, Seattle, WA 98104 and was continued for administrative purposes, pending receipt of an affidavit of publication of notice of the date of the hearing. The affidavit of publication (exh. 23) was received December 10, 2007, and the hearing was then closed. Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the Hearing Examiner.

FINDINGS, CONCLUSIONS & RECOMMENDATION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. General Information:

Road name and location:	Portion of Lake Ridge Drive South
Right of way classification:	C
Area:	2,557 square feet
Compensation:	\$17,553.81

2. The Examiner adopts and incorporates herein by this reference the facts set forth in the Department of Transportation's report to the King County Hearing Examiner for the December 5, 2007 public hearing and the statement of facts contained in Proposed Ordinance No. 2007-0583. The Department's report and proposed Ordinance No. 2007-0583 will be attached to those copies of this report and recommendation that are submitted to the Metropolitan King County Council.
2. Notice of hearing on the Department's report was given as required by law, and a hearing on the report was conducted by the Examiner on behalf of the Metropolitan King County Council.
3. Maps showing the vicinity of the proposed vacation and the specific area to be vacated are attachments 1 and 2 to this report and recommendation.

CONCLUSION:

1. The road subject to this petition is useless as part of the King County road system, and the public will be benefited by its vacation.
2. The Notice of Hearing on the Report of the Department of Transportation was given as required by law, and the hearing on the report was conducted by the King County Hearing Examiner on behalf of the King County Council.

RECOMMENDATION:

APPROVE proposed Ordinance No. 2007-0583 (Attachment 3 to this report and recommendation) to vacate the subject road right-of-way.

RECOMMENDED December 12, 2007.

James N. O'Connor
King County Hearing Examiner *pro tem*

TRANSMITTED December 12, 2007, to the following parties and interested persons:

City of Renton Attn: Karen McFarland 1055 South Grady Way Renton WA 98055	City of Seattle Attn: Donald Harris 800 Maynard Ave. S., 4th Fl. Seattle WA 98134	Comcast Attn: Jim Nies 4020 Auburn Way N. Auburn WA 98002
Aaron Collier & Dorian Kensok 10901 Lk. Ridge Dr. S. Seattle WA 98178	King County Water District #19 P.O. Box T 1760 - 100th Ave. SW Vashon WA 98070	Puget Sound Energy Attn: Judy McCollum P.O. Box 97034 Bellevue WA 98009
Qwest Attn: Marge Bailey 2510 - 84th St. S., Ste. 18 Lakewood WA 98499	Skyway Sewer & Water District 6723 S. 124th St. Attn: Cheryl Scheuerman Seattle WA 98178	Kim Claussen DDES/LUSD MS OAK-DE-0100
Neil DeGoojer DNRP/WLRD MS KSC-NR-0600	Sarah Gagnon Wastewater Treatment MS KSC-NR-0503	Nancy Gordon KCDOT/D&C MS KSC-TR-0431
David Gualtieri KCDOT/CIP & Planning Sec. MS KSC-TR-0317	Denise Hauck KC Dept. of Exec. Svcs. MS ADM-ES-0500	Bill Hintz KC DOT, Rd. Maint. MS RSD-TR-0100
Nicole Keller KC DOT, Rd. Svcs. Div. MS KSC-TR-0231	Kristen Langley DDES/LUSD MS OAK-DE-0100	Tom Lew KC DNRP/WLRD MS KSC-NR-0600
Paulette Norman KCDOT/RD SERV. MS KSC-TR-0231	Robert Nunnenkamp KC DNRP/Prog Dev. MS KSC-NR-0700	Lydia Reynolds-Jones KC DOT/RD SERV. MS KSC-TR-0231
Charlie Sundberg Bus. Rel. & Economic Dev. MS BOA-EX-2000	Kelly Whiting KC DOT, Rd. Svcs. Div. MS KSC-TR-0231	Bill Wilbert DNRP-Wastewater MS KSC-NR-0503

NOTICE OF RIGHT TO APPEAL
AND ADDITIONAL ACTION REQUIRED

In order to appeal the recommendation of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$250.00 (check payable to King County Office of Finance) *on or before* **December 26, 2007**. If a notice of appeal is filed, the original and six (6) copies of

a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council *on or before* **January 1, 2008**.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 1025, King County Courthouse, 516 3rd Avenue, Seattle, Washington 98104, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within 14 days calendar days of the date of this report, or if a written appeal statement and argument are not filed within 21 calendar days of the date of this report, the Clerk of the Council shall place a proposed ordinance which implements the Examiner's recommended action on the agenda of the next available Council meeting. At that meeting, the Council may adopt the Examiner's recommendation, may defer action, may refer the matter to a Council committee, or may remand to the Examiner for further hearing or further consideration.

Action of the Council Final. The action of the Council on a recommendation of the Examiner shall be final and conclusive unless within twenty-one (21) days from the date of the action an aggrieved party or person applies for a writ of certiorari from the Superior Court in and for the County of King, State of Washington, for the purpose of review of the action taken.

MINUTES OF THE DECEMBER 5, 2007, PUBLIC HEARING ON DEPARTMENT OF TRANSPORTATION, ROAD SERVICES DIVISION FILE NO. V-2574.

James N. O'Connor was the Hearing Examiner in this matter. Participating in the hearing were Nicole Keller, representing the Department, and Aaron E. Collier and Dorian C. Kensok, the Petitioners.

The following exhibits were offered and entered into the record:

- Exhibit No. 1 Report to the Hearing Examiner for the December 5, 2007 hearing, with 16 attachments
- Exhibit No. 2 Petition transmittal letter, dated September 5, 2007 to KC Department of Transportation, from Clerk of the Council
- Exhibit No. 3 Petitioner's cover letter stating reason for vacation request dated September 1, 2006
- Exhibit No. 4 Petition for vacation of a County road including legal descriptions of petitioners' properties
- Exhibit No. 5 Copy of the filing fee – check #1166 from the Petitioners
- Exhibit No. 6 Receipt #802 for filing fee
- Exhibit No. 7 Vicinity map
- Exhibit No. 8 King County plat map of Lake Ridge Division Two, recorded in Volume 32 of plats, page 37, records of King County, Washington
- Exhibit No. 9 Map depicting vacation area
- Exhibit No. 10 Letter to the Petitioners from DOT dated October 11, 2006 notifying them of the vacation process
- Exhibit No. 11 Copy of the final agency notice dated January 2, 2007 notifying affected agencies of their response to be received prior to January 31, 2007
- Exhibit No. 12 Letter to the Petitioners from DOT dated April 18, 2007 requesting compensation
- Exhibit No. 13 Compensation worksheet

- Exhibit No. 14 Letter to DOT from the Petitioners requesting a 90 day extension to submit their compensation
- Exhibit No. 15 Copy of the compensation check in the amount of \$17,553.81
- Exhibit No. 16 King County deposit receipt No. 146672 dated September 5, 2007
- Exhibit No. 17 Transmittal letter dated April 24, 2007 to the Council providing the recommendation of KCDOT and the County Road Engineer
- Exhibit No. 18 Ordinance transmittal letter dated October 22, 2007 from the King County Executive to Councilmember Larry Phillips
- Exhibit No. 19 Proposed Ordinance 2007-0583
- Exhibit No. 20 Fiscal Note
- Exhibit No. 21 Notice of hearing
- Exhibit No. 22 Affidavit of posting for the hearing
- Exhibit No. 23 Affidavit of publication for the date of the hearing

JNOC:gao
V-2574 RPT